

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3045/2001

New Delhi, this 18th day of January, 2002

Hon'ble Shri Govindan Tampi, Member(A)

S.P. Singh
UDC, Kendriya Vidyalaya No.1
Delhi Cantt., Delhi .. Applicant

(By Shri Anil Shrivastava, Advocate)

versus

1. Principal
Kendriya Vidyalaya No.1
Delhi Cantt., Delhi
2. Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg, New Delhi .. Respondents

(By Shri S.Rajappa, Advocate)

ORDER (ORAL)


Shri S.P. Singh, the applicant in this case challenges order No.F.II-3/2001-KVS(Estt.I) dated 1.10.2001, transferring him in public interest from KV No.1, Delhi Cantt. to K.V.Khurda Road.

2. S/Shri Anil Shrivastava and S.Rajappa represented the applicant and the respondents respectively during the oral submission before me.

3. The applicant, who was working as UDC, posted at K.V.No.1, Delhi Cantt and whose wife is working with EIL, has been transferred to K.V.Khurda Road. This was done following the restructuring of the various cadres in KV Sangathan, in terms of OM dated 5.7.2001 and 18.7.2001. However, as the above two OMs have been stayed by the Tribunal on 30.8.2001, the order issued in pursuance thereof should be set aside, more so, as no public interest has been disclosed and the transfer has been

ordered malafide, as the applicant had acted as Defence assistant in a disciplinary case and had complained against the Inquiry Officer. During the personal hearing Shri Anil Shrivastava, learned counsel for the applicant gave up the plea regarding the transfer being related to the restructuring but indicated that the transfer has been ordered, invoking para 18 of the KVS's transfer guidelines, but wrongly applying paras 5 and 6(i) *ibid*. He stated that transfer on administrative grounds in terms of para 5 was permissible only on the recommendation of the Principal and Chairman of the Vidyalaya Management Committee. Besides, the transfers are to be made during summer vacations, except for organisational reasons or administrative grounds. These have not been satisfied in the case of the applicant and therefore his transfer was improper and deserves to be set aside, according to Shri Shrivastava.

4. Shri S. Rajappa, appearing on behalf of the respondents, pleads that the transfer of the applicant has been correctly ordered by them, in terms of para 18 of the guidelines read with para 6(i) in public interest and on administrative grounds. He was one of the 26 UDCs shifted and it was neither a case of his being singled out or discriminated against. It was a routine transfer on administrative grounds and had been recommended by the concerned Asstt. Commissioner. As the order has been issued properly, there was no reason to interfere with the same argues Shri S. Rajappa. He also produced for my perusal the relevant file in which decisions to transfer the applicant was taken.



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5. Having carefully considered the matter and perused the relevant records, especially the file No.7.11-3/2001-KVS (Estt.I) in which the transfer among others of the applicant was dealt with, I am convinced that the transfer order was passed correctly and in proper exercise of the powers vested in the respondents. In terms of para 18 of the transfer guidelines read with paras 5 & 6 ibid, the transfer can be ordered on administrative grounds and the applicant's transfer has been accordingly issued, among as many as 27 UDCs. The same has been duly recommended by the Asstt. Commissioner. It is also indicated that he has been in the same school for over five years. That being the case, the applicant cannot have any genuine complaint. Having joined a service with all-India transfer liability, the applicant cannot pick and choose his place of posting. His complaint that the transfer was malafide is not borne out on facts. The respondents' action cannot therefore be assailed in law.

6. The applicant has not made out any case in law for the Tribunal's interference. The OA fails and is accordingly dismissed. No costs.

(Govindan S. Tampi)
Member(A)

/patwal/